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HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-third year

Letter dated 12 August 1998 from the Chargé d'affaires a.i. of
the Permanent Mission of Iraq to the United Nations addressed
to the Secretary-General

On instructions from my Government, I have the honour to transmit to you a letter dated 11 August 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the spurious allegations and sophistries with regard to the status of implementation of the "oil-for-food" programme that were conveyed by Mr. Max van der Stoep, Special Rapporteur on the situation of human rights in Iraq, in his report to the Commission on Human Rights dated 10 March 1998.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 113 of the provisional agenda, and of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Chargé d'affaires a.i.

* A/53/150.



Annex

Letter dated 11 August 1998 from the Minister for Foreign Affairs
of Iraq addressed to the Secretary-General

We have considered the report on the situation of human rights in Iraq submitted to the Commission on Human Rights by the Special Rapporteur, Mr. Max van der Stoep, in accordance with Commission resolution 1997/60 (E/CN.4/1998/67). Among the observations the Government of Iraq has to make on the sophistries and allegations contained in the report that have no basis of truth and no connection with reality, I should like to convey to you our comments on the spurious allegations and incomplete information it contains with regard to the question of the implementation of the memorandum of understanding of 20 May 1996 between Iraq and the Secretariat of the United Nations on the implementation of the oil-for-food programme.

The Special Rapporteur knows perfectly well that since the unjust embargo was first imposed on Iraq in 1991, its Government has endeavoured with all the means and capacities at its disposal and to the full extent allowed by its resources to spare the Iraqi people, and particularly its children, the adverse consequences of an iniquitous measure that has caused intense suffering to thousands of innocent children, women and older persons and to the chronically ill.

When, in paragraph 68 of his report, the Special Rapporteur states that, in refusing to accept resolutions 706 (1991) and 712 (1991), Iraq exacerbated the suffering caused, he overlooks the fact that Iraq's rejection of those resolutions had reasons that were so fundamental that they were more compelling for Iraq and its people than the endurance of hunger and deprivation. These reasons are set forth hereunder.

(a) The two resolutions in question severely curtail Iraq's national sovereignty as a free country and a Member of the United Nations, and they impose foreign tutelage over the independent will of the people of Iraq.

(b) They divest the legitimate Government of Iraq of its powers and responsibilities vis-à-vis its citizens, and they eliminate its role as the custodian of their affairs and the guarantor of their sustenance.

(c) They accord foreign countries the right to control Iraq's national resources, and they make it permissible for them to have free disposal of its assets and oil revenues.

(d) Resolution 796 (1991) takes the humanitarian objective that is envisaged in the report of the Executive Delegate of the Secretary-General, Sadruddin Aga Khan, in order to cope with an exceptional and critical situation and then conflates it with dubious and sordid political goals.

(e) A careful reading of the two resolutions reveals that, under them, Iraq would be confronted with two options, one of them worse than the other. One is the maintenance of the embargo with all that that involves in terms of

ruin for the Iraqi people, and the other is an extremely limited exemption from the embargo in exchange for Iraq's submission to a renunciation of its sovereignty over its petroleum resources and the acceptance of the hegemony of certain members of the Security Council over its sources of oil.

(f) Clearly, resolutions 706 (1991) and 712 (1991) were adopted in a frenzied atmosphere that was fraught with tension and with enmity towards Iraq. Their provisions completely divest Iraq of sovereign authority and accord it to a group of foreign individuals and United Nations agencies, and they place Iraq in a position where it resembles a protectorate or even a refugee camp managed and controlled by foreign Powers. Such a situation is incompatible with the most elementary provisions of the Charter of the United Nations and with the text of resolution 687 (1991) itself, affirming as it does respect for the sovereignty, territorial integrity and political independence of Iraq. The two resolutions in question also have the objective of giving the United States of America and certain of its allies the right to interfere in the internal affairs of Iraq and undermine its internal situation, having failed to do this in the 30-Power aggression.

The statement made in paragraph 69 of the Special Rapporteur's report that there is discrimination among the different groups of the Iraqi people in the allocation of the limited resources available is completely untrue. Everyone knows that the ration-card system instituted by the Government of Iraq to regulate the distribution of food rations to all Iraqis and even to foreigners living in its territory is an integrated, just and comprehensive one. All of the United Nations agencies operating in Iraq and all of the humanitarian organizations that have sent visiting missions to Iraq have testified to this fact.

This equitable system of distribution has been the only basis for the distribution of foodstuffs in Iraq under the oil-for-food programme, whose implementation is being monitored by a horde of United Nations observers. The latter have not thus far reported any imbalance or discrimination in the distribution of the available foodstuffs to the people of Iraq as a whole. Had there really been any discrimination, the United Nations observers would not have hesitated to inform you accordingly and the Special Rapporteur would have shown no reluctance in citing any negative comments in that connection and in using them to defame and insult the Government of Iraq.

The Special Rapporteur speaks out in his report for the rights of the people of Iraq and of its ethnic and religious minorities and its communities in rural and urban areas and in the north and south of the country, and, on the basis of reports from the United Nations and its specialized agencies, he holds the Government responsible for the burdens imposed by the deteriorating nutritional and health situation of the Iraqi people. In paragraph 70 of his report, for example, he refers to a World Health Organization report of November 1997. We should like to discuss with him at length the reports you submit to the Security Council every 90 days on the implementation of the procurement and distribution plan so as to seek an explanation of the same situation, nearly two years having elapsed since the oil-for-food formula first went into effect. We should like to know what party it is that bears responsibility for the delayed delivery of the supplementary food basket to

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Iraqis and how any party at all can halt the deterioration in the water and sanitation area when the equipment and supplies reaching Iraq for the improvement of the water grid in central and southern Iraq represent only 10 per cent of the sums allocated for that purpose under phase I.

In connection with medicines and the health situation, we ask - and perhaps we shall get an answer from the Special Rapporteur - the reasons that prompted the suspension of 55 million dollars' worth of contracts representing 26 per cent of the amount allocated for phase I under the memorandum of understanding. One of the reasons given was that there was a spelling mistake. The representative of the United States of America also tried to prevent the delivery of insecticide, despite a pressing need for it, because it had not been included in the distribution plan. This caused an outbreak of malaria that took the lives of hundreds of thousands of children and women whose resistance had been impaired.

With regard to the statement in paragraph 70 of the Special Rapporteur's report concerning prioritization and the need for contracts to be submitted in accordance with need, one may ask who has the right to decide the fate of a patient who needs cancer medication or kidney-disease medication when his neighbour is complaining of a splitting headache and there are no analgesics. Perhaps the Special Rapporteur is unaware of the fact that, before the embargo, Iraq used to maintain not less than a one-year strategic stock of medicines and that its regular imports of medicines and medical supplies, despite the stocks indicated, exceeded 500 million dollars. With the embargo and the reduction in its resources, it is being required to submit preferences and priorities for medicines and other medical supplies. Access to medicine, of whatever kind, is a basic human right, but perhaps in the usage of the Special Rapporteur such rights do not apply to Iraqis.

In paragraph 71 of his report, the Special Rapporteur criticizes the Government of Iraq for having stopped pumping oil from 8 June to 13 August 1997, thus revealing his ignorance of the terms of the memorandum of understanding. He also adopts a dualistic approach when he fails to make any reference to the fact that the first shipment of medicines reached Iraq six months after the memorandum of understanding had been signed or that the first container of chlorine, which is needed for the purification of drinking water in central and southern Iraq, arrived in October 1997, 11 months after the memorandum of understanding had entered into force.

The memorandum of understanding and the procurement and distribution plan require that the pumping of oil should correlate with the arrival of humanitarian supplies in Iraq, since the general principle of the formula is that oil is to be exchanged for food, medicine and other humanitarian needs. It is therefore unreasonable for the Special Rapporteur to focus on the pumping of oil without taking the trouble to enquire about the corresponding delivery of humanitarian supplies to Iraq.

In paragraph 72 of his report, the Special Rapporteur accuses the Government of Iraq of insisting on arguing about procedural mechanisms. What he says is completely at variance with the substance and precise details of the causative factors that are the direct reasons for the introduction of obstacles

and fundamental difficulties into the mechanisms for the processing of contracts relating to the implementation of the oil-for-food programme. These are due, in particular, to the conduct of the United States and United Kingdom representatives in the Sanctions Committee.

In dealing with this matter, the Government of Iraq meticulously follows the steps laid down in the procedures of the Security Council Committee established by resolution 661 (1990) (the 661 Committee), and it urges the companies and countries that conclude contracts with Iraq to abide by the terms and follow the procedures laid down by the Committee with a view to ensuring the speedy approval of contracts and the rapid delivery of goods to Iraq.

As I have informed you before in numerous letters, the problem begins with the submission of a contract to the secretariat of the 661 Committee, which takes days and weeks before it registers it. The reason for this is that the relevant United States expert and his United Kingdom colleague in the Committee secretariat proceed to sort through the contracts and to raise every possible obstacle in order to delay the registration of one contract or another. When, weeks later, the contract reaches the members of the Committee, it is then the role of the United States representative in the Committee to raise other obstacles that bear no relation to the procurement and distribution plan, the memorandum of understanding or the Committee's procedures themselves. It has become common knowledge in the United Nations Secretariat that it takes 66 days from the registration of a contract to its approval, 59 days for the goods to be delivered and 7 days to make the goods available for distribution. In this connection, we should like to ask the Special Rapporteur why he did not give himself the trouble to ask the reasons for such delays and obstacles in the 661 Committee.

The positions taken by the representative of the United States of America in order to obstruct the process of implementing the memorandum of understanding are reflected in the large number of contracts that he has had placed on hold or has blocked. All of them are for humanitarian items that were included in the categorized lists annexed to the purchase and distribution plan approved by you. For example, of the contracts relating to phase II of the memorandum of understanding, which ended on 3 January 1998, as of 30 July 1998, 21 contracts for medical supplies and food and for equipment for the electricity sector were still on hold in the 661 Committee, 20 contracts had been blocked and there were 40,385,000 dollars' worth of contracts that had been approved by the Committee but for which the bank holding the Iraq Account had yet to open the relevant letters of credit while awaiting certain bank settlements that it had been dilatory in completing. With regard to phase III, which ended on 30 May 1998, 17 contracts, which are also for the purchase of foodstuffs, medical supplies and equipment for the electricity sector, remain on hold and 22 contracts relating to the same sectors have been blocked.

The adoption of a single, ongoing distribution plan under the food-for-oil programme, referred to by the Special Rapporteur in paragraph 73 of his report, is incompatible with the spirit and letter of Security Council resolution 986 (1995), which stipulates that the measure in question is to be of an exceptional and temporary nature. Paragraph 6 of the memorandum of understanding provides that the Government of Iraq is to be responsible for the

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preparation of the procurement and distribution plan for submission to the Secretary-General of the United Nations for his approval. The Special Rapporteur and others doubtless realize that it is the Government of Iraq that is best able to assess the needs of Iraqis and to determine the means by which they can be met.

The whole world is aware of the scale of the damage done to Iraq's infrastructure by the war, and it knows that the embargo has since finished off what little remained. Throughout the eight years of the embargo, Iraq has been unable to obtain the necessary spare parts to maintain the equipment and machinery that keep the economic process going or to reconstruct the infrastructure of the Iraqi economy.

Despite the allegations made by the Special Rapporteur in paragraph 75 of his report, the Government of Iraq has not been reluctant to meet its economic, social and cultural obligations to the people of Iraq. Iraqis have been prevented from obtaining even pencils, pulp for paper-making, printing inks and other basic requirements of culture and education. Reference can be made to the reports of United Nations agencies such as UNICEF and UNESCO noting the degradation of school and hospital buildings because the materials necessary for their repair and reconstruction and for the provision of an appropriate learning environment for students at all levels of education are not available. The Special Rapporteur cannot ignore the magnitude of the obstacles raised by the representative of the United States of America in preventing the approval of contracts for computers for the Ministry of Education and the Ministry of Higher Education and Scientific Research. There is also the blanket embargo imposed on Iraq with regard to its access to scientific, medical and cultural publications.

All the statements made in the report of the Special Rapporteur that concern the memorandum of understanding lack credibility and objectivity. It might be supposed that a person occupying such a position at the United Nations would seek to be precise in framing his comments and that he would examine information carefully before including it in his report and using it as grounds on which to condemn the Government of Iraq. The Government of Iraq, in the meantime, has adopted all possible means and has done its very utmost to mitigate the burden of the embargo on the people of Iraq.

Instead of thrusting himself into a tendentious political controversy at the prompting of futile political objectives, the Special Rapporteur would be better advised to consider the suffering of millions of Iraqis prevented from obtaining their most elementary and basic humanitarian needs in violation of all human and divinely-inspired values, principles and customs. He should condemn the policy of the economic embargo, which has become an instrument used by the major Powers to oppress the peoples of the world and deprive them of such basic rights as the right to a life of freedom and dignity in order to achieve base political objectives. He should raise his voice for a halt to the inhuman suffering of the children and the people of Iraq, hundreds of thousands of whom are falling victim to an unjust embargo whose true nature is that of a war of mass extermination being waged against an entire people, the like of which is unknown in the history of mankind.

I request you to have this letter circulated as a document of the General Assembly, under item 113 of the provisional agenda, and of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq



Security Council

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13 August 1998

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Deeply disturbed by the indiscriminate and outrageous acts of international terrorism that took place on 7 August 1998 in Nairobi, Kenya and Dar-es-Salaam, Tanzania,

Condemning such acts which have a damaging effect on international relations and jeopardize the security of States,

Convinced that the suppression of acts of international terrorism is essential for the maintenance of international peace and security, and reaffirming the determination of the international community to eliminate international terrorism in all its forms and manifestations,

Also reaffirming the obligations of Member States under the Charter of the United Nations,

Stressing that every Member State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

Mindful of General Assembly resolution 52/164 of 15 December 1997 on the International Convention for the Suppression of Terrorist Bombings,

Recalling that, in the statement issued on 31 January 1992 (S/23500) on the occasion of the meeting of the Security Council at the level of Heads of State and Government, the Council expressed its deep concern over acts of international terrorism, and emphasized the need for the international community to deal effectively with all such criminal acts,

Also stressing the need to strengthen international cooperation between States in order to adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism affecting the international community as a whole,



Commending the responses of the Governments of Kenya, Tanzania and the United States of America to the terrorist bomb attacks in Kenya and Tanzania,

Determined to eliminate international terrorism,

1. Strongly condemns the terrorist bomb attacks in Nairobi, Kenya and Dar-es-Salaam, Tanzania on 7 August 1998 which claimed hundreds of innocent lives, injured thousands of people and caused massive destruction to property;
2. Expresses its deep sorrow, sympathy and condolences to the families of the innocent victims of the terrorist bomb attacks during this difficult time;
3. Calls upon all States and international institutions to cooperate with and provide support and assistance to the ongoing investigations in Kenya, Tanzania and the United States to apprehend the perpetrators of these cowardly criminal acts and to bring them swiftly to justice;
4. Expresses its sincere gratitude to all States, international institutions and voluntary organizations for their encouragement and timely response to the requests for assistance from the Governments of Kenya and Tanzania, and urges them to assist the affected countries, especially in the reconstruction of infrastructure and disaster preparedness;
5. Calls upon all States to adopt, in accordance with international law and as a matter of priority, effective and practical measures for security cooperation, for the prevention of such acts of terrorism, and for the prosecution and punishment of their perpetrators;
6. Decides to remain seized of the matter.



Security Council

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ORIGINAL: ENGLISH AND RUSSIAN

Portugal, Russian Federation and United States of America:
draft resolution

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, including resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998,

Reaffirming also its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Strongly deploring the deteriorating political and security situation in Angola, which is primarily the result of the failure by the União Nacional para a Independência Total de Angola (UNITA) to complete its obligations under the "Acordos de Paz" (S/22609, annex), the Lusaka Protocol (S/1994/1441, annex) and relevant Security Council resolutions,

Taking note of recent positive steps to restore confidence in the peace process,

Having considered the report of the Secretary-General of 6 August 1998 (S/1998/723),

1. Welcomes the decision by the Secretary-General to dispatch a Special Envoy to assess the situation in Angola and advise on a possible course of action, and requests the Secretary-General to submit, no later than 31 August 1998, a report with recommendations regarding the future role of the United Nations in Angola;

2. Expresses its intention to review the recommendations referred to in paragraph 1 above and to consider appropriate actions;

3. Decides to extend the mandate of the United Nations Observer Mission in Angola (MONUA) until 15 September 1998, and takes note of the considerations specified in paragraph 38 of the report of the Secretary-General of 6 August 1998 regarding the deployment of MONUA throughout the country;



4. Calls on the Government of Unity and National Reconciliation (GURN) and in particular UNITA in the strongest terms to refrain from any steps which could further exacerbate the present situation;
5. Demands that UNITA comply immediately and without conditions with its obligations under the Lusaka Protocol and with relevant Security Council resolutions, in particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the national territory, in order to prevent a further deterioration of the political and security situation;
6. Demands also that UNITA cease its reoccupation of localities where State administration was established and stop attacks by its members on civilians, GURN authorities, including police, and United Nations and international personnel;
7. Calls on the GURN and UNITA to cease hostile propaganda, refrain from laying new mines, stop forced conscriptions and renew efforts towards national reconciliation, including by implementing confidence-building measures, such as the reactivation of the joint mechanisms in the provinces and the disengagement of military forces on the ground;
8. Calls on the GURN to ensure that the Angolan National Police refrain from practices inconsistent with the Lusaka Protocol and to respect the legal activities of UNITA as a political party in accordance with the Lusaka Protocol;
9. Demands that the GURN and in particular UNITA cooperate fully with MONUA in providing full access for its verification activities and guarantee unconditionally the safety and freedom of movement of all United Nations and international personnel, including those providing humanitarian assistance;
10. Expresses its firm belief that a meeting in Angola between the President of the Republic of Angola and the leader of UNITA could provide momentum to the peace process;
11. Calls on Member States to implement fully the relevant provisions of resolutions 1173 (1998), 1127 (1997) and 864 (1993);
12. Welcomes the appointment of a new Special Representative to Angola, and urges the GURN and UNITA to cooperate fully with him in promoting peace and national reconciliation;
13. Encourages the Secretary-General to continue his personal engagement in the peace process;
14. Expresses its appreciation to the personnel of MONUA;
15. Decides to remain actively seized of the matter.



Security Council

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12 August 1998

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FIRST PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN SIERRA LEONE

I. INTRODUCTION

1. By paragraph 19 of its resolution 1181 (1998) of 13 July 1998, the Security Council requested me to submit an initial report within 30 days of the adoption of the resolution and every 60 days thereafter on the deployment of the United Nations Observer Mission in Sierra Leone (UNOMSIL) and its progress in carrying out its mandate, and also to inform the Council on plans for the later phases of the deployment of UNOMSIL when security conditions permit these to be implemented. The present report, which is submitted pursuant to that request, describes developments since my fifth report on the situation in Sierra Leone (S/1998/486) dated 9 June 1998.

2. The present report is also submitted in accordance with paragraph 10 of resolution 1162 (1998) of 17 April 1998 and paragraph 8 of resolution 1171 (1998) of 5 June 1998.

II. SITUATION IN SIERRA LEONE

Activities of the Government of Sierra Leone

3. Since my last report, the Government of Sierra Leone has continued to strengthen its authority and improve its organization and functioning, including through the adoption, following a wide-ranging parliamentary debate, of a budget for the remainder of 1998. On 7 August, President Kabbah visited the provincial towns of Bo, Kenema and Makenie. Some 45 of the 52 paramount chiefs have returned to their districts in the south of the country.

4. Significant improvements have occurred in relations between Sierra Leone and Liberia. On 22 and 23 June, a Liberian delegation led by Senator Kekura Kpoto visited Freetown to deliver a special message from President Taylor to President Kabbah concerning ways to promote peace between Guinea, Liberia and Sierra Leone, the Mano River Union countries. The delegation also denied allegations that the Liberian Government was supporting the remnants of the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF), and expressed concern that some Liberian dissidents were reported to be



planning to use Sierra Leone as a base from which to attack Liberia. At the conclusion of the meeting, President Kabbah issued a statement reaffirming his commitment to subregional peace and security and calling for strict adherence to the existing non-aggression pact and good neighbourliness treaty contained in the Mano River Union Agreement.

5. On 1 July 1998, during my visit to Abuja, together with the President of Nigeria, General Abdulsalam Abubakar, I jointly convened a meeting between President Taylor and President Kabbah, the Heads of State of Liberia and Sierra Leone. The two Heads of State reached agreement at that meeting on a number of confidence-building measures to improve relations between their countries. The Presidents, inter alia, strongly condemned the continued rebel activities in Sierra Leone, as well as the horrendous atrocities committed there, and agreed to exchange official visits. The communiqué issued at the end of the meeting was circulated as document S/1998/629.

6. On 20 July 1998, President Kabbah paid a one-day visit to Monrovia at the written invitation of President Taylor to attend the Liberian National Reconciliation Conference. The meeting of the two Presidents was held in the presence of the Reverend Jesse Jackson, Special Envoy of the President of the United States of America to Africa. In a joint communiqué issued after the meeting, President Taylor and President Kabbah again condemned all atrocities and violations of human rights committed by combatants in Sierra Leone against civilians, as well as the continued rebel activities in that country. They reaffirmed their commitment to non-aggression against the territorial integrity of each other's country and pledged to continue their cooperation towards peace and security in the subregion. Both leaders renewed their call to the United Nations and the Economic Community of West African States (ECOWAS) to deploy observer units on the Liberia/Sierra Leone border and agreed to coordinate border security activities. President Taylor accepted an invitation from President Kabbah to visit Sierra Leone at a date to be announced.

7. In a later development, the Government of Sierra Leone has denied any involvement in an alleged plot to overthrow the Government of Liberia, which has been widely reported in Monrovia.

8. On 25 July 1998, the Nigerian Government released the leader of RUF, Corporal Foday Sankoh, to Sierra Leonean custody in Freetown. The Government of Sierra Leone has now detained Corporal Sankoh and issued a public statement calling on his supporters, who are still fighting, to surrender to ECOMOG, to my Special Representative or to any religious organization by 8 August 1998. The Government statement called for an end to fighting and urged Sierra Leoneans to turn their attention and energies to the elimination of poverty, disease and illiteracy. In a television appearance with the Sierra Leonean Minister of Information, Corporal Sankoh appealed to the remnants of RUF to halt atrocities against the people of Sierra Leone and to surrender to United Nations observers or to the Military Observer Group of ECOWAS (ECOMOG). A subsequent Government statement issued on 3 August reiterated the 8 August deadline for the amnesty. There has been no significant response to the Government's call.

9. Following the visit to Sierra Leone of my Special Representative for Children and Armed Conflict, Mr. Olara A. Otunnu, in May, the Government has

accorded special attention, and has welcomed efforts by United Nations agencies, to promoting the welfare, rights and protection of children and to addressing challenges posed by the "youth crisis" and the high growth rate of the population. In July, Vice-President Albert Joe Demby publicized the 1998 edition of the UNICEF report, The Progress of Nations, while the Minister of Finance, Development and Economic Planning, Mr. James Jonah, delivered a radio address on World Population Day, in which he highlighted the Government's intention to rehabilitate and reconstruct all war-affected areas, increase the rate of economic growth faster than population growth and reduce poverty.

Activities of the Military Observer Group of the Economic Community of West African States and the military and security situation in Sierra Leone

10. Since the end of June, the military and security situation in Sierra Leone has improved somewhat as reports of atrocities committed by elements of the former junta have markedly declined. Despite the onset of the rainy season, ECOMOG, has maintained its pressure on Kailahun district, the remaining stronghold of the former junta in the eastern part of the country. At the same time, ECOMOG positions in Koidu, also in eastern Sierra Leone, have repeatedly come under mortar attack during the last few weeks and the situation in the north-east remains volatile and unpredictable, as was shown by the rebels' capture and brief occupation of Kabala.

11. Security in Freetown has generally been good. However, on 19 July 1998, a gun battle lasting approximately one hour broke out in Freetown between ECOMOG and a band of 15 men described as robbers. The men were all captured the same day without bloodshed.

12. In the countryside, elements of the former junta are concentrated around Kailahun and Koidu in relatively large numbers, while smaller groups have been operating in northern and central Sierra Leone. Sometimes these groups have harassed ECOMOG units and the civilian population, perpetrating atrocities and destroying property, but on a much smaller scale than was the case in June. Attacks by ECOMOG, including air strikes, are thought to have inflicted significant casualties on the rebels and broken them up into smaller groups, curtailing their activities. Reported shortages of food and ammunition among the rebels have increased the risk that they could attack ECOMOG convoys and isolated settlements in order to resupply themselves. The southern part of the country and the area around Freetown in the west have been calm, except for the incident described above.

13. On 27 July 1998, apparently after seizing weapons and ammunition in an attack on ECOMOG units at Bendugu in north-eastern Sierra Leone, junta supporters attacked ECOMOG troops in the town of Kabala. The attack, which was preceded by a feigned offer to surrender, was well-coordinated and launched from three sides. The rebels succeeded in taking the town and temporarily driving out the ECOMOG defenders. At about the same time, the rebels attacked a civilian bus about 10 kilometres south of Kabala, killing seven passengers.

14. By 31 July, ECOMOG troops moved back in force into Kabala as rebel forces withdrew. The rebels caused extensive property damage, including the destruction of some 200 houses, plundered the town and extorted money from the

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civilian population, whom they threatened to use as human shields in the event of a counter-attack. No mutilations have been reported.

15. During the past few weeks, ECOMOG has inducted fresh troops into the Kenema sector in south-eastern Sierra Leone, with a view to reinforcing its presence near Kailahun. The deployment of an additional brigade, comprising three battalions, has enabled ECOMOG to mount more aggressive patrols, at times in conjunction with the Sierra Leonean Civil Defence Force. ECOMOG has also reinducted former Republic of Sierra Leone Military Forces (RSLMF) personnel, amounting to approximately three battalions, or 2,500 men, alongside its own troops to assist with the protection of supply lines and, in some cases, in combat duties. The provision of logistical assistance to ECOMOG, thanks to the bilateral contribution of the United States of America, has helped to improve operational capacity. ECOMOG has also been withdrawing exhausted troops with a view to rotating them. Nonetheless, ECOMOG, with an estimated 10,000 troops in theatre, is still overstretched and in need of significant additional logistical support, in order to contain the rebels and restore and maintain order in the eastern and northern parts of the country.

16. While the Civil Defence Force is nominally under the command and control of ECOMOG, reports continue to be received of unruly or criminal behaviour on the part of some members of the Force outside their own home districts. Strains that developed between ECOMOG and the Civil Defence Force in some places appear to have been successfully resolved or contained through the intervention of senior commanders. Some members of the Force have also been accused of human rights violations and criminal acts, including looting, confiscation of vehicles and civil disturbances, although allegations of summary killings and the torture of prisoners have dropped sharply since the end of May, apparently as a result of intervention by the Government and ECOMOG. The Civil Defence Force has made a commitment to end its practice of recruiting and initiating child soldiers, who comprise a high proportion of their ranks and who have been sent into combat.

III. ACTIVITIES OF THE UNITED NATIONS

Deployment of UNOMSIL

17. Pursuant to the creation of UNOMSIL by the Security Council by resolution 1181 (1998), I wrote to the President of the Council on 16 July 1998 to inform him of the countries that were contributing observers to the mission (see S/1998/673 and S/1998/674) and of the appointment of Brigadier-General Subhash C. Joshi (India) as Chief Military Observer. In accordance with paragraph 9 of resolution 1181 (1998), I took advantage of the presence of President Kabbah at the special conference on Sierra Leone, held at Headquarters on 30 July 1998, to propose to him the terms of a status of mission agreement. As I informed the President of the Security Council in my letter of 3 August 1998 (S/1998/714), the Minister for Foreign Affairs of Sierra Leone, Mr. Sama Banya, at once replied indicating his Government's acceptance. As I also mentioned in my 3 August letter, on the basis of the Government of Sierra Leone's programme for the disarmament, demobilization and reintegration of former combatants, issued to participants at the special conference, I have

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written to the Chairman of ECOWAS proposing arrangements by which ECOMOG would be responsible for the security of United Nations personnel in Sierra Leone.

18. In accordance with resolution 1181 (1998), the eight military liaison personnel already deployed in Sierra Leone since May 1998 pursuant to resolution 1162 (1998) have now been redesignated United Nations military observers. The additional 32 officers who are in the process of being deployed, including those in the first phase, are from China, Egypt, India, Kenya, Kyrgyzstan, New Zealand, Pakistan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and Zambia. As of 10 August 1998, a total of 26 officers have been deployed in Sierra Leone, with more to come over the next few days (see annex). The medical unit is expected to arrive in the country by 20 August.

19. As indicated in my report of 9 June and as outlined in the Government plan mentioned in paragraph 17 above, one of the priority tasks of the military observers, in accordance with the mandate set out in resolution 1181 (1998), is to monitor the demobilization of former combatants already disarmed by ECOMOG and concentrated in secure areas of the country, primarily at Lungi. In addition, in order to continue to monitor and report on the military and security situation, two observers are already deployed at Bo and two at Makeni, with the headquarters of ECOMOG brigades based there.

20. The Chief Military Observer and his staff will continue to be based at Freetown and an observer team will cover the area around the capital, including Hastings. The largest deployment outside Freetown will be at Lungi, with smaller teams deployed to the ECOMOG brigade headquarters at Bo, Kenema and Makeni, as the security situation permits and as the Government makes progress in the implementation of its disarmament and demobilization plan. Further deployments are planned in due course to cover locations in the north, south and centre of the country, co-deployed with ECOMOG units, including in Sumbuya, Sulima, Zimmi, Joru and Kabala. Eventually, as order is restored to the parts of the country where fighting has been taking place and subsequent phases of deployment take place, it is envisaged that United Nations observers would also be co-deployed with ECOMOG units at Kailahun and Koidu.

21. As I informed the Council in my report of 9 June (S/1998/486, paras. 78-79), I have pursued with President Taylor the possibility of an eventual co-deployment of United Nations military observers with ECOMOG troops at the border between Liberia and Sierra Leone. This proposal was reiterated in the communiqués following the meetings between President Taylor and President Kabbah at Abuja on 1 July 1998 and at Monrovia on 20 July 1998. My Special Representative will, at the appropriate time, dispatch a small team of observers from Freetown to examine the feasibility of such a deployment and I will revert to the Council accordingly.

22. In accordance with resolution 1162 (1998), a civilian police adviser, Deputy Commissioner Maritz du Toit (Namibia), was deployed in Sierra Leone in July. Following the adoption of resolution 1181 (1998), four more advisers will be deployed as soon as possible. Their role will be to assist in restoring the confidence of the Government and people of Sierra Leone in the police force, which incurred widespread public contempt for its role in supporting the junta,

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and to advise the Government on training and re-equipment needs. The United Nations civilian police will work closely with a team of police advisers deployed at the request of the Government from Commonwealth countries.

23. Since his arrival, Deputy Commissioner du Toit has established close relations with the Government and with his counterparts and has paid extensive visits to Sierra Leonean police stations within and outside the capital. He has also met with the Commonwealth police advisers to discuss cooperation between the Commonwealth and the United Nations in the conduct of their respective mandates.

Special Conference on Sierra Leone

24. As outlined in my report of 9 June 1998 (S/1998/486, para. 64), on 30 July 1998 I convened a high-level conference at Headquarters to mobilize assistance for the disarmament, demobilization and reintegration plan, for the provision of logistical support to ECOMOG, for immediate humanitarian needs and for the reconstruction and rehabilitation of Sierra Leone. The conference was preceded by an organizational meeting on 24 June.

25. President Kabbah, accompanied by the Minister of Finance, Development and Economic Planning, Mr. James Jonah, and the Minister for Foreign Affairs, Mr. Sama Banya, made a statement before the Conference, setting forth his plans for national reconciliation and rehabilitation, including improvements in internal security and the Government's plan for the disarmament, demobilization and reintegration of Sierra Leonean former combatants. Representatives of some 55 countries, including the Ministers for Foreign Affairs of the Gambia, Guinea and Liberia, the Minister of State for Foreign Affairs of the United Kingdom of Great Britain and Northern Ireland, the Vice-Minister for Foreign Affairs of China, the Deputy Minister for Foreign Affairs of Ghana, the Assistant Secretary of State for Africa and the Assistant Secretary for Population, Refugees and Migration of the United States of America attended the Conference. Other participants included the Secretary-General of the Organization of African Unity and the Secretary-General of the Commonwealth, as well as the Executive Secretary of ECOWAS. United Nations specialized agencies and the relevant departments also sent representatives. The ECOMOG Force Commander, General Timothy Sheldipi, addressed the Conference on ECOMOG's needs.

26. Participants agreed on the need to establish an international contact group to mobilize and coordinate further support for Sierra Leone. I am presently reporting in greater detail on the conference, directly to the President of the Security Council, in a letter to be circulated as a document of the Council.

IV. DISARMAMENT AND DEMOBILIZATION

27. In a letter dated 11 August 1998 (S/1998/741), the Government of Sierra Leone conveyed to the President of the Security Council the programme for the disarmament, demobilization and reintegration of former combatants adopted by the Government of Sierra Leone. The programme describes in detail the institutional structures established by the Government to carry out its provisions, the financial management arrangements, the implementation schedule

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and the roles of UNOMSIL and ECOMOG in the reinsertion and reintegration of former combatants. The disarmament process will be carried out by ECOMOG, with the monitoring of UNOMSIL, in accordance with its mandate as set out in resolution 1181 (1998).

28. The essentials of the Government's disarmament, demobilization and reintegration plan were described in my report of 9 June (S/1998/486, paras. 53-62). The objective of the exercise is to consolidate the security of the State through the disarming, demobilization and reintegration into society of an estimated total of 33,000 former combatants (8,000 RSLMF and RUF and 25,000 CDF) in three phases between July 1998 and June 2001, at an estimated cost of \$33.6 million, of which \$17.3 million would be required for phase one. It is anticipated that the first phase would comprise the demobilization of the disarmed former RSLMF and RUF personnel now in detention and an estimated 5,000 CDF combatants. Particular emphasis will be devoted to the psychosocial reintegration of former child combatants from all sides.

29. The programme will be implemented under the guidance of the National Committee on Disarmament, Demobilization and Reintegration, under the chairmanship of President Kabbah and comprising representatives of the Government, ECOMOG, donors and my Special Representative on behalf of the United Nations community. The Committee will operate, in collaboration with other Government departments, donors and non-governmental organizations (NGOs), through an Executive secretariat responsible for overall programme planning and implementation, as well as the transparent and accountable administration of the programme and the monitoring and evaluation of its progress.

30. Following the formal adoption by the Government of the programme, the National Committee has commenced work and the members of the Executive secretariat, which will be assisted by a technical adviser, have been nominated. On 16 July 1998, a team representing the Committee, including the Ministers of the Interior and Information, the National Security Adviser and my Special Representative, visited the camp site at Lungi where more than 4,000 disarmed former members of RSLMF are currently detained by ECOMOG, awaiting demobilization and reintegration. The object of the visit was to explain the disarmament, demobilization and reintegration process to the disarmed men and to the local community. Similar visits to other locations are planned for the future.

31. RSLMF has effectively been disbanded and is in a state of disgrace as a result of its participation in the illegal military coup of May 1997 and the subsequent junta rule. Though consideration is being given to reconstituting the Sierra Leone armed forces, it is considered unlikely that many of the ex-RSLMF personnel will be accepted for membership in it. The men detained at Lungi appeared to be well-treated, disciplined and receptive to the prospect of demobilization and rehabilitation. They were also aware of the intense hostility felt towards them by the general public and none have attempted to escape. Recently, some of the former RSLMF personnel have been reinducted into the ECOMOG force to assist in military operations.

32. One aspect of the reintegration process that has given cause for concern is the hostile attitude of the general public to former RSLMF personnel.

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Resentment at the atrocities inflicted by the junta and its supporters is so widespread as to pose a threat to the physical safety of anyone associated with the junta. As I have reported earlier, a number of revenge killings have been reported throughout the country since the recapture of Freetown in February. My Special Representative will assist the Government in carrying out a vigorous sensitization and education campaign to increase public acceptance of former army personnel undergoing reintegration, an effort that could also be supported by donor contributions.

V. HUMAN RIGHTS

Abuses committed during and since the junta period

33. The human rights adviser working with my Special Representative for Sierra Leone has continued to compile accounts of atrocities committed both during and after the period of junta rule. Though some of these have yet to be rigorously examined, there is strong evidence of the systematic and widespread perpetration of multiple forms of human rights abuse against the civilian population, including rape. In recent weeks, elements of the former junta have continued to shell population centres such as Koidu and Daru and have used civilians as human shields in their military operations. There have been numerous instances of arbitrary execution, including of women and children, followed in some cases by mutilation of the bodies.

34. Though incidents of mutilation appear to have greatly declined since the end of June, it is feared that for each of the 600 or so persons attacked since March 1998 who survived and sought medical attention, at least 4 others are either dead or unaccounted for. The victims of these attacks are still making their way in small numbers to medical centres.

35. A survey of 9 of Sierra Leone's 150 chiefdoms indicates that some 700 civilian war-related deaths have occurred since February, including 200 in one village, Yifin, in late April. About 1,600 people have suffered war-related injuries in these chiefdoms since February, of whom 30 per cent are children. In Koidu, a reliable source has stated that 663 bodies were buried following the fighting in the area in mid-June. A significant percentage of the dead were women and children. At the same time, the killing of some 44 of the 144 paramount chiefs during that period indicates a deliberate attempt to target them.

36. The rebels are estimated to hold several thousand civilian captives, including women and children. They are used as porters, human shields and for forced sexual activity. Abductions continue to be reported in the north. It is believed that many RUF/AFRC fighters were themselves abducted as children and subjected to brutal initiation ceremonies.

37. Rebel forces tend to destroy property and homes in the villages they attack. Though no precise figures are available, there are indications of extensive damage to the housing stock in all areas that they have ravaged. The study of the 9 chiefdoms referred to above found that 1,619 homes had been destroyed. A survey of 3 other chiefdoms identified 600 destroyed houses and,

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on 12 July alone, in a village near Masingbi, some 40 houses were destroyed. As noted above, the rebels also destroyed property in Kabala at the end of July.

38. The rebel campaign of terror and their military activities have resulted in the displacement of at least 350,000 people since February. Some 250,000 of these are now in Guinea and Liberia and the remainder are internally displaced in Sierra Leone. The persistence of the rebellion not only prevents their return, but also causes grave humanitarian problems for a significant element of the displaced population, as described in more detail below.

Treason trials and the administration of justice

39. The State is prosecuting 58 persons in the regular courts on a range of charges including treason, murder and arson, and two further trials are scheduled to begin soon. All defendants, if found guilty, face the possibility of the death penalty. The trials are proceeding against a background of widespread public anger and a desire for quick justice.

40. The court martial of 38 soldiers has begun before a judicial panel comprising Sierra Leonean army officers and presided over by a Judge Advocate who is an ECOMOG officer. Early concerns regarding procedure were speedily rectified by the Government after they had been raised by UNOMSIL, which continues to monitor both the courts martial and the proceedings in the regular courts. UNOMSIL is also continuing to persuade the Government to establish a channel for judicial appeals from court martial findings.

41. The Government concedes that the judicial system in Sierra Leone is entirely inadequate. Outside Freetown, the courts are not functioning at all and the traditional court system has collapsed. Sustained support will be needed to restore the judicial system in keeping with Sierra Leone's distinguished legal traditions.

42. There are six functioning prisons in Sierra Leone, but prisoners are also held in an unverifiable number of other facilities, including military camps. Most detainees in civilian facilities are being held pursuant to the emergency powers legislation introduced by the Government shortly after its restoration in March 1998. Conditions in many facilities are overcrowded and unsanitary and the food and medical care are inadequate. About 2,000 prisoners are being held in Freetown.

43. Reliable reports are being regularly received of poor discipline within the Civil Defence Force. In various locations throughout the country they have been accused of harassing the local population and engaging in extortion. It has also been reported that the initiation of new members, including children between the ages of 15 and 17, occurred near Magburaka during the third week of July. ECOMOG has established a complaints procedure to investigate any allegations of harassment of the local population by ECOMOG troops.

44. UNOMSIL has commenced a human rights technical cooperation needs assessment and has already identified widespread requirements, many of which should be addressed as a matter of urgency. These include the need for human rights education for government officials, traditional leaders, police officers,

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teachers of civic education, lawyers, journalists and NGO personnel. It is also necessary to provide technical support to the Government and the National Commission for Democracy and Human Rights to facilitate the application of human rights principles to State policy and practice. United Nations military observers will also receive training in aspects of international humanitarian law relevant to their duties.

VI. HUMANITARIAN SITUATION

45. The humanitarian situation in Sierra Leone continues to give cause for concern, especially in the light of the poor response to the Inter-Agency Appeal for Humanitarian Assistance to Sierra Leone. To date, only 5 per cent of the \$20.5 million requested has been received. Humanitarian organizations in Sierra Leone continue to face fundamental questions on the modalities for the delivery of relief assistance in an environment characterized by unpredictable hostilities and systematic human rights abuses. The effort to balance the rights of civilians in need of assistance with the requisite level of operational security has required the constant review and modification of the United Nations and NGO codes of conduct and protocols for humanitarian agencies operating in Sierra Leone, in order to reflect the current situation.

46. Despite the ongoing debate, humanitarian assistance continues to have a significant impact on the dire health and nutritional status of hundreds of thousands of war-affected Sierra Leoneans. The most significant humanitarian activities since my last report include efforts to address the serious humanitarian crisis at Masingbi in north central Sierra Leone, the influx of spontaneous returnees from Liberia and the repatriation by the Office of the United Nations High Commissioner for Refugees (UNHCR) of Sierra Leonean and Liberian refugees. The United Nations Humanitarian Assistance Coordination Unit in Freetown now estimates that the number of internally displaced persons since the ECOMOG intervention in February 1998 has grown to more than 166,000. The recent clashes between rebel forces and ECOMOG around Kabala have provoked further displacements.

47. A rapid nutritional assessment carried out in Masingbi by the NGO, Action Contre la Faim, for children under the age of five revealed a global malnutrition rate of 39 per cent. Owing to insecurity in the Masingbi area during July, humanitarian organizations were forced to suspend operations and withdraw to Makeni. However, the United States NGO, CARE, succeeded in distributing assistance to more than 16,000 beneficiaries. Internally displaced persons continue to flow into Masingbi at a rate estimated at between 50 and 100 persons a day.

48. In collaboration with the Ministry of Health, the United Nations Children's Fund (UNICEF) is supporting the health care delivery system in Masingbi as well as in western Kono district, where they are providing drugs and basic medical equipment. The latest data on morbidity from Masingbi and Kono district have shown that the measles outbreak that was prevalent in the area is now under control as a result of the vaccination campaign carried out by the Ministry of Health and UNICEF.

49. Masingbi remains a critical focus for humanitarian intervention in terms of shelter for the current rainy season and coordination of other sectoral activities. The NGO, Concern Worldwide, has recently agreed to support shelter activities, while UNICEF and Action Contre la Faim will collaborate on water and sanitation matters. Food distributions by CARE and health activities by UNICEF, NGOs and the Government have had a significant impact in contributing to reducing the death rate in Masingbi and its environs from 899 deaths during June to 29 in July.

50. A joint Government, UNHCR and the World Food Programme (WFP) mission to Pujehun district in southern Sierra Leone has confirmed that there has been an influx of returnees from Liberia, who are thought to be crossing the border at the rate of some 90 per day. The most urgent needs of the returnees are food, health and shelter, which are to some extent being met by WFP and by NGOs.

51. UNHCR has continued to repatriate Sierra Leonean refugees to Freetown. A total of some 7,500 Sierra Leoneans, mainly from Guinea and Gambia, have been assisted in returning home. Furthermore, it is planned to bring 3,000 Sierra Leoneans home by air from Guinea during the month of August. UNHCR has also repatriated some 440 Liberian refugees from Sierra Leone.

52. A United Nations Humanitarian Assistance Coordination Unit database has been established to detail the condition of more than 166,000 internally displaced persons, the number of people displaced since the ECOMOG intervention in February 1998. However, this figure represents only a portion of the total number of internally displaced persons in the country. UNHCR estimates that, during the same period, more than 250,000 Sierra Leoneans have sought refuge in neighbouring countries.

53. A mission to Kabala, undertaken only days before the 27 July attack, estimated that some 18,000 civilians were residing in the town, including a large number of internally displaced persons from Kono district. As a result of the hostilities, unconfirmed reports indicate that the majority of the civilians were displaced to villages to the north and north-west of Kabala. It has been reported that large numbers of civilians were abducted from Kabala, as has been the practice of the RUF in the past. Furthermore, all reports indicate that all relief goods, medical supplies and logistics for humanitarian efforts were looted or destroyed during the brief occupation. Now that the situation has calmed, the humanitarian community is assessing the damage and making efforts to meet the needs.

VII. OBSERVATIONS AND CONCLUSIONS

54. The decision by the Security Council to create UNOMSIL and to expand its functions has been warmly welcomed by the Government and people of Sierra Leone, and the early signing of the status of mission agreement between the Government and UNOMSIL has also been of great assistance in providing a firm basis for our activities there. The adoption by the Government of Sierra Leone of a comprehensive programme for disarmament, demobilization and reintegration of former combatants, containing clearly defined roles for ECOMOG and the United Nations, has set the tone for UNOMSIL's future efforts.

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55. The deployment of the first phase of UNOMSIL's 70 military observers and their equipment is also well under way. I am grateful to the troop-contributing countries for the dispatch with which they have acted in making these personnel available.

56. In my report of 9 June (para. 69), I identified three criteria which would govern subsequent deployments of military observers: the security situation, the progress of implementation of the Government's disarmament and demobilization plan and the availability of the necessary logistical equipment and resources. As I indicated then, I am keeping all three criteria under very close review and will keep the Council informed of all relevant developments while preparing for the next phase of the deployment. I am heartened by the progress made by ECOMOG in improving the security situation in the countryside, especially in eastern Sierra Leone, and renew my call to donors to contribute to ECOMOG's logistical requirements.

57. In this context, I am gratified by the success of the special conference on Sierra Leone, held at Headquarters on 30 July 1998, and look forward to working closely with the international contact group to be established to coordinate further support for Sierra Leone. In the meantime, I reiterate my call to donors to contribute to the Inter-Agency Appeal for Humanitarian Assistance to Sierra Leone in order to assist Sierra Leoneans in meeting their most basic and urgent needs.

58. The sharp reduction in human rights violations perpetrated by elements of the former junta since the end of June is to be welcomed, but I remain deeply concerned about the plight of innocent civilians in the country, who may still be suffering from the depredations of the rebel forces or at risk from future attacks. In parallel with the efforts being made by ECOMOG to restore law and order throughout the countryside, I continue to believe that every effort should be made to end the threat posed by the rebels.

59. For this reason, I believe that the disarmament, demobilization and reintegration plan adopted by the Government, and to be implemented with the assistance of ECOMOG and UNOMSIL, represents the best hope in the immediate future for consolidating the stability of the country and bolstering the authority of the Government throughout the territory of Sierra Leone. I therefore reiterate the plea I made on 30 July at the special conference for the donor community to lend every possible assistance to the Government in carrying out its plan. I welcome the commitment of the Government and the Civil Defence Force not to recruit children under the age of 18 as soldiers or to send them into combat, and urge them to implement their undertaking to demobilize any children currently under arms as soon as possible.

60. The development of technical capacity by the Government in the field of human rights deserves support. The results of a technical cooperation needs assessment performed by the office of my Special Representative reveal training needs. I encourage donors to assist the Government in meeting these needs.

61. Pursuant to resolution 1181 (1998), I will continue to keep the situation in Sierra Leone under close review and report to the Council on developments there and on the progress made by UNOMSIL.

62. I would like to express my appreciation to my Special Representative, Mr. Francis G. Okelo, to the Chief Military Observer, Brigadier Subhash C. Joshi, and to the civilian and military personnel of UNOMSIL for the efforts they are continuing to make to deploy the United Nations Observer Mission in Sierra Leone in accordance with the mandate provided by the Security Council.

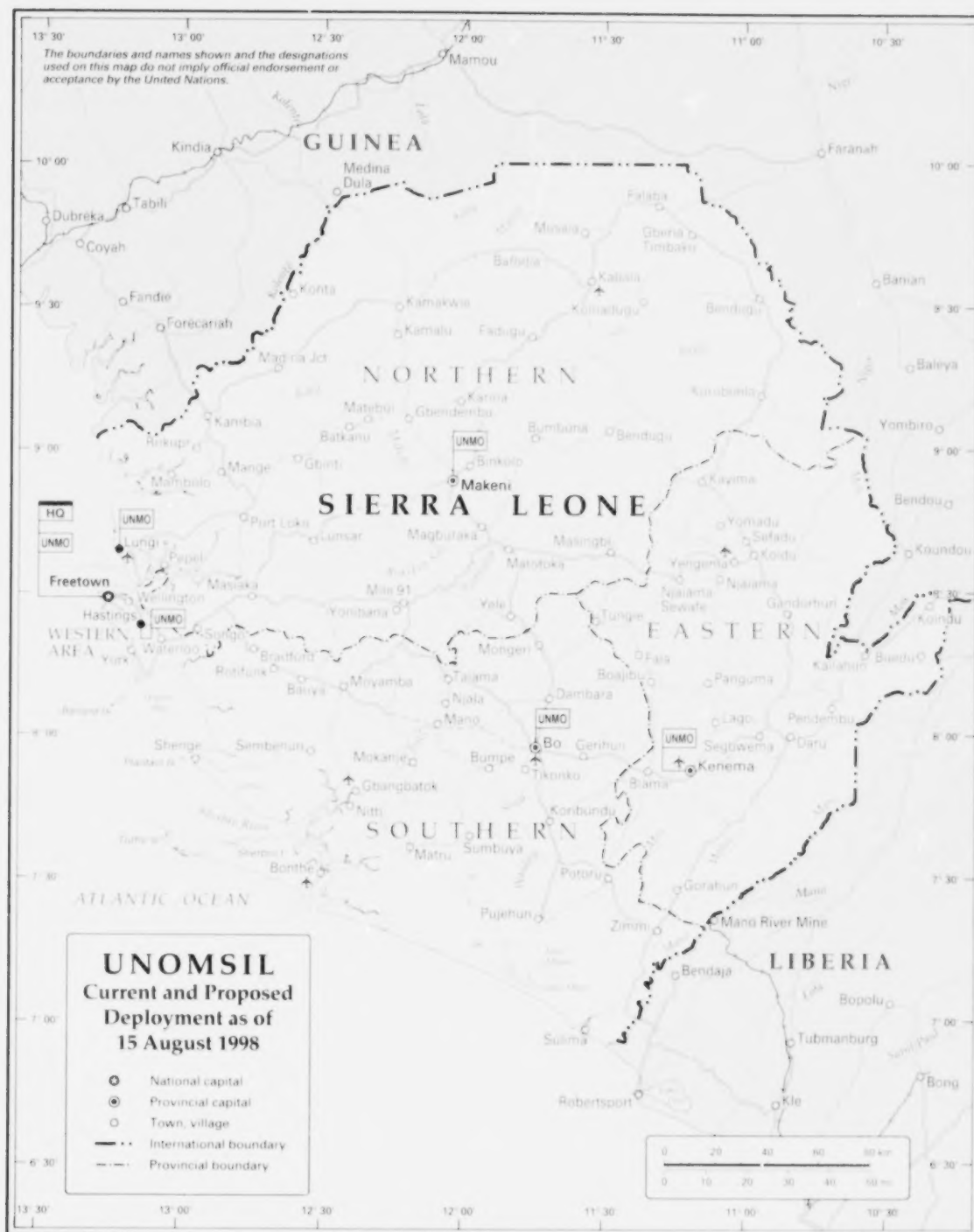
ANNEX

The United Nations Observer Mission in Sierra Leone

Contributions as at 10 August 1998

Country	Currently in position
China	3
Egypt	-
India	5
Kenya	2
Kyrgyzstan	-
New Zealand	2
Pakistan	5
Russia	5
United Kingdom	2
Zambia	<u>2</u>
	26*

* In addition to the Chief Military Observer, India.





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13 August 1998

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF
THE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA
ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 4 August 1998 from the Permanent Representative of the United States of America to the United Nations stating that Mr. Mark C. Milton has been appointed alternate representative of the United States of America on the Security Council.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.



Security Council

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ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 13 AUGUST 1998 FROM THE
PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED
NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND
TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 13 August 1998 from Mr. Tariq Aziz, Deputy Prime Minister of Iraq, setting forth the facts relating to the statements made in the letters dated 11 and 12 August 1998 from Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency, and Mr. Richard Butler, Executive Chairman of the Special Commission, addressed to the President of the Security Council.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative



Annex

Identical letters dated 13 August 1998 from the Deputy Prime Minister of Iraq addressed to the Secretary-General and to the President of the Security Council

With reference to the letters dated 12 August 1998 from the Executive Chairman of the Special Commission and the Director General of the International Atomic Energy Agency (IAEA) addressed to the President of the Security Council, I should like to communicate the following facts:

1. When, on 29 October 1997, Iraq decided to prohibit American staff members of the Special Commission from participating in the Commission's activities in Iraq, the Executive Chairman refused to allow those activities to continue without the Americans. The Special Commission did not, therefore, engage in any monitoring activities after 30 October 1997. On 14 November 1997, after the Americans had been expelled from Iraq, the Executive Chairman decided to halt all Special Commission inspection and monitoring activities in Iraq. IAEA acted in solidarity with the Special Commission and also suspended all its activities. This situation continued until 20 November 1997.

2. After the Special Commission and IAEA had fully resumed their previous activities on 23 November 1997, both bodies carried out a comprehensive examination of the sites subject to monitoring and numerous other sites in order to ascertain whether Iraq had engaged in any prohibited activities in the intervening period. On 3 December 1997 IAEA informed the Secretary-General, by a letter from Mr. Mohamed ElBaradei, its Director General, that the Agency's assessment was that no prohibited activities had taken place during the period monitoring had been suspended (S/1997/960, annex). The preliminary assessment of the Special Commission, communicated to us by Butler on 19 January 1998 during the high-level talks in Baghdad, was that no prohibited activities had taken place during the period in question. This was confirmed in the final assessment that he communicated to us in March 1998 during the high-level talks held in Baghdad, and this same assessment was given in paragraph 112 of the semi-annual report dated 16 April 1998 (S/1998/332).

It should be recalled that during the time in question Iraq took precautionary measures against possible military aggression by the United States of America and moved certain items of equipment from their previously known locations to other sites.

3. At the present time, the Special Commission and IAEA are engaged in a full range of monitoring activities, and they involve 496 sites, as follows:

162 in the nuclear area;

175 (including 80 hospitals) in the biological area;

119 in the chemical area; and

40 in the missile area.

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There are a further 70 sites (border crossings and customs posts) that are visited on a regular basis by the groups that monitor the import-export mechanism.

These sites were designated by the Special Commission and IAEA, and the Iraqi side did not interfere in this determination. The designation was made by the Special Commission and the Agency in a very rigid and very broad manner and on the basis of the most extreme hypotheses on the possible use of the sites for so-called prohibited activities.

4. A total of 5,522 visits were made by Special Commission and IAEA inspection teams to the sites designated for monitoring since the monitoring regime was established in 1994, and 1,416 aerial reconnaissance missions can be added to this figure. During the same period, visits to other sites not designated for monitoring totalled 301, that is to say some 3 or 4 per cent of all visits carried out by the Special Commission and IAEA.

This makes it clear that, in their letters of 12 August 1998, when the Agency and the Special Commission characterize their present activities in the monitoring area as limited they are being less than accurate. Clearly, the activities in which they can engage in the light of Iraq's decision of 5 August 1998 account for more than 94 per cent of all their customary activities.

5. The monitoring groups completed 49 visits between 6 and 12 August 1998, and a gamma-ray survey of 11 large areas was also carried out by the Nuclear Monitoring Group.

For these reasons, we regard the statements made in the letters from the Director General of IAEA and the Executive Chairman of the Special Commission as constituting a political position that has the goal of artificially escalating the situation while it coincides with an escalation against Iraq on the part of the United States Administration.

(Signed) Tariq AZIZ
Deputy Prime Minister



Security Council

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S/1998/753
13 August 1998
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 12 AUGUST 1998 FROM THE PERMANENT REPRESENTATIVE OF
AUSTRIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw your attention to the statement issued on
11 August 1998 by the Presidency of the European Union concerning the situation
in the Democratic Republic of the Congo.

I should be grateful if you would have the text of this letter and its
annex circulated as a document of the Security Council.

(Signed) Ernst SUCHARIPA
Permanent Representative of Austria
to the United Nations



Annex

[Original: English and French]

Statement on the situation in the Democratic Republic
of the Congo issued in Brussels on 11 August 1998 by
the Presidency of the European Union

The European Union expresses its deep concern at the deterioration of the internal situation in the Democratic Republic of the Congo and particularly condemns the acts of violence against civilians. It calls upon all the parties in conflict to respect human rights and humanitarian laws and to not persecute the civilian population on grounds of nationality or ethnic origin but to strictly observe the right to protection for refugees and displaced persons. The Union encourages cooperation between the Government of the Democratic Republic of the Congo and the United Nations to find a solution that will protect the population groups concerned.

The European Union is also greatly preoccupied by the information regarding the possibility of foreign interference in the country's internal affairs and agrees with the Charter of the United Nations and the fundamental principles of the Organization of African Unity (OAU) in support of the territorial integrity and sovereignty of the Democratic Republic of the Congo and the territorial integrity of neighbouring countries.

The European Union emphasizes that peaceful solutions must be found to resolve the current problems so that the process of reconstruction and democratization can proceed. It is ready to contribute to those efforts and supports the démarches undertaken by OAU and several African countries in that connection.

Finally, the European Union calls for the safety of nationals of the member States of the European Union and the staff of humanitarian organizations residing in the territory of the Democratic Republic of the Congo to be guaranteed.

The Central and Eastern European countries and Cyprus associated with the European Union and Iceland and Norway, European Free Trade Area countries members of the European Economic Area, align themselves with the present statement.



Security Council

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GENERAL

S/1998/754
13 August 1998

ORIGINAL: ENGLISH

INTERIM REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1167 (1998) of 14 May 1998 and brings up to date the record of developments in Tajikistan and the activities of the United Nations Mission of Observers in Tajikistan (UNMOT) since my report of 6 May 1998 (S/1998/374).

II. MAIN DEVELOPMENTS

2. The reporting period began with a serious setback for the peace process in the form of two decisions taken by the Tajik Parliament. The first decision, on 21 May, was to not confirm the cabinet appointments of Mr. Akbar Turajonzodah and Mr. Davlat Usmon, the two most senior members of the United Tajik Opposition (UTO) in the Government. President Emomali Rakhmonov has since stated his intention to resubmit both names at the next, as yet unscheduled, session of Parliament. Meanwhile, the two continue to perform their appointed functions.

3. The second decision, on 23 May, was to amend the bill on political parties, which had been agreed upon by the Commission on National Reconciliation (CNR). According to the amendment, political parties based on a religion would have been banned, effectively removing the Islamic Revival Party, the largest component of UTO, from participation in the political life of the country. One of the main pillars of the peace agreement would thus have been destroyed.

4. Following this decision, tension mounted rapidly in the country. Mr. Abdullo Nuri, UTO leader and Chairman of CNR, wrote to President Rakhmonov and to the Speaker of Parliament, emphasizing its incompatibility with the General Agreement on the Establishment of Peace and National Accord in Tajikistan and its adverse effect on the peace process. The members of the Contact Group of guarantor States and international organizations and other Governments expressed strong concern and urged the President not to sign the bill into law. UNMOT provided its good offices and facilitated contacts between the parties to help overcome the difficult situation that had been created.



5. On 2 June, following a meeting with Mr. Nuri, President Rakhmonov established a 12-member conciliation commission comprising representatives of the Government, CNR and the Parliament to review the contentious articles of the draft law and submit proposals by 22 June. The Commission was assisted in its work by a specialist on constitutional law provided by UNMOT and funded by the Aga Khan Foundation. Initially, the Commission made very little progress. On 9 June, I met with President Rakhmonov at United Nations Headquarters, where he had travelled for the twentieth special session of the General Assembly on the world drug control problem, and urged him to resolve the situation. I followed the meeting up with a letter to President Rakhmonov.

6. On 18 June, the Commission reached a consensus to replace the contentious provision of the bill with a new text that would prohibit the use of religious institutions for political purposes. President Rakhmonov has referred the revised draft to Parliament, where it awaits consideration.

7. Because of this crisis, the arrival in Tajikistan of Mr. Ján Kubis, my newly appointed Special Representative, was advanced to mid-June. It preceded by a few days the first anniversary of the signing of the General Agreement on 27 June 1997. President Rakhmonov declared a general amnesty on the occasion but it did not include UTO members among the beneficiaries. There was no progress concerning the implementation of the amnesty law adopted under the peace agreement last year.

8. There has been some small movement in the implementation of the protocol on military issues. From 1 to 3 July, 153 UTO fighters were repatriated from Afghanistan, together with a large amount of weapons and ammunition, and stationed in barracks in Garm. As provided in the agreement, the operation was carried out by the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS) and monitored by UNMOT. Another group of UTO fighters currently awaits repatriation at Sherkhanbandar, on the border with Tajikistan.

9. In the past few weeks, several groups of UTO fighters have taken the military oath. This is foreseen in the protocol on military issues to mark the conversion of UTO units into units of the regular armed forces. Effective conversion of the UTO units would require a number of other measures, such as the reform of the power structures and the distribution of the UTO personnel among them. This has not happened, and only a small number of fighters are actually garrisoned in the assembly areas, as also stipulated by the agreement.

10. UNMOT operations in the country suffered a major setback on 20 July, when four members of its team based in Garm were murdered. They were Major Ryszard Szewczyk of Poland and Major Adolfo Sharpegge of Uruguay, military observers; Mr. Yutaka Akino, civil affairs officer; and Mr. Jurajon Mahramov, interpreter. They were shot and killed about 3 kilometres south of the Labi Jar junction on their way back from Tavildara, where they had met with the UTO regional commander.

11. UNMOT immediately suspended its activities in the field and sent all teams back to base in Dushanbe. The replacement of military observers ending their tour of duty has been suspended to reduce the excess personnel in Dushanbe. The

activities of all United Nations agencies and programmes in Tavildara and in the Karategin valley have also been suspended.

12. On 22 July, President Rakhmonov established a commission of Government and CNR members, headed by Deputy Prime Minister Abdurrahmon Azimov, to investigate the incident and report to him its findings within 10 days. Mr. Azimov set up a special investigation team made up of representatives of the Prosecutor-General's office and the Ministries of Interior and Security. Mr. Azimov has kept Mr. Kubis informed of the investigation, but no formal announcement has so far been made concerning its results.

13. The World Bank's Consultative Group on Tajikistan met in Paris on 20 May. The meeting resulted in pledges amounting to some \$280 million for balance-of-payments support, investment support and technical assistance for Tajikistan, the bulk of it from the International Monetary Fund, the World Bank and the Asian Development Bank. On 30 July, at a twice-postponed meeting, the World Bank's Executive Board approved a structural adjustment loan of \$50 million.

14. In the week preceding the World Bank's decision, President Rakhmonov and Mr. Nuri issued a joint statement in which they gave their positive assessment of the peace process. On the day before the decision, CNR reached agreement on the appointment of four UTO members to government portfolios, namely the Minister of Agriculture and the chairs of the Committees for Gas and Oil, Emergency Situations and Precious Metals. President Rakhmonov approved the four appointments on 3 August. A few days later, another UTO leader was appointed head of the State Association on Milk and Meat Production. No agreement was reached on the appointments of Deputy Prime Minister and Minister of Defence.

15. On 30 July, CNR adopted a new timetable for the implementation of the peace agreement. It replaces the one adopted on 29 April, which had become obsolete as a result of its deadlines having lapsed. According to the new timetable, the following deadlines apply:

- (a) Assignment of UTO personalities to positions at all levels of the executive branch - end of September;
- (b) Implementation of the second stage of the protocol on military issues - 25 August;
- (c) Thereafter lifting the ban on political parties and mass media;
- (d) Formation of the Central Election Commission - 1 September;
- (e) Finalizing amendments to the Constitution - 20 October.

No deadlines were set for the implementation of the amnesty law, for the return of refugees or for the constitutional referendum and elections.

Activities of the Contact Group

16. The Contact Group of guarantor States and international organizations continued its efforts to facilitate the implementation of the General Agreement. It held extraordinary meetings and issued specific recommendations as well as press statements reflecting its common position on issues pertinent to the speedy resolution of problems affecting the peace process and the promotion of the process as such. In particular, the Contact Group urged the Government to carry on with the process of incorporating opposition personnel into the executive structures of the Government and to expedite the processing of the remaining amnesty cases as stipulated in the General Agreement as an important confidence-building measure. At the same time, the Contact Group called for genuine disarmament by UTO and the integration of the fighters into the government power structures.

17. The Contact Group agreed to hold a meeting at the level of Foreign Minister to review the progress made during the past year and to discuss ways of consolidating and expediting the peace process. Such periodic meetings are foreseen in the General Agreement. The Tajik Government has expressed reservations at holding such a meeting at this stage.

III. SECURITY

18. On 23 May, the Government informed UNMOT that three army soldiers had been taken hostage by UTO personnel in Kofarnikhon. For their part, local UTO commanders complained about harassment at an army checkpoint in the area. Complaints about harassment and extortion at the numerous government checkpoints are frequent. The three soldiers were released following intervention by Mr. Turajonzodah, deputy leader of UTO. On 12 July, a violent clash took place between two UTO groups in Kofarnikhon. It was contained and order restored, following intervention by the UTO leadership, UNMOT and CNR. In Dushanbe, on 29 July, the deputy chairman of the customs union was killed by a car bomb in front of the presidential palace; his wife was shot dead a few days later. On 5 August, a well-known cleric from Dushanbe and his student, who had been missing, were discovered dead with gunshot wounds in a mortuary in the Kofarnikhon district.

19. On a number of occasions, the movement of UNMOT teams was impeded in the Garm area and in the Karategin valley. On 11 June, the team based in Tajikabad was harassed and robbed by masked gunmen while on a routine patrol near Hoit. UNMOT brought such occurrences immediately to the attention of the CNR Military Subcommission, whose chairman is a representative of UTO. The incident of 11 June was also raised with Mr. Nuri.

20. I have described in paragraphs 10 to 12 above the killing of four members of UNMOT on 20 July and the actions taken subsequently.

21. The lack of security has impeded UNMOT operations for quite some time. The last time its operations in the field had to be suspended was after the hostage incident in November 1997, which resulted in the death of one of the hostages. Earlier that year, following the hostage incident in February, most UNMOT and

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other United Nations personnel were relocated to Uzbekistan for several weeks. UNMOT has been operating under stringent precautions, constantly analysing the situation and limiting itself to areas considered reasonably safe. Those areas included Garm, the Karategin valley and the Tavildara sector. However, the incident on 20 July has shown how unpredictable the situation is even there.

22. I have in previous reports referred to three options for the protection of United Nations personnel:

(a) It was originally envisaged that the CIS peacekeeping forces could assume the task of securing the assembly areas. This was not acceptable to UTO. In December 1997 the mandate of the force was revised to include provision of security to United Nations and other international personnel in Tajikistan. Subsequently, UNMOT had detailed discussions with the CIS peacekeeping forces about escort and other security duties for UNMOT. However, the forces have indicated that they cannot perform such functions without the consent of UTO, which has not been forthcoming. Therefore, they cannot operate freely in UTO-controlled areas east of Dushanbe. The CIS peacekeeping forces command has assured UNMOT that it will assist it in emergencies;

(b) The second option was a United Nations infantry battalion. It was not pursued since the Government of Tajikistan opposed it, and others concerned also expressed reservations;

(c) Since neither of the above options was available, the United Nations proposed the forming of a special detachment for security, using government and UTO personnel already stationed in Dushanbe. This was also seen as a confidence-building measure and a first step towards the reintegration of UTO fighters into the national army. The detachment has been formed after a delay of many months and has undergone training by officers brought in by the United Nations. However, it is still not operational, owing to the lack of essential equipment. In addition, weaknesses of cohesion and of command and control prevent it, so far, from being the effective force that is required. On 16 June, the unit's deputy commander, a member of UTO, was shot and killed by unknown persons.

23. In these circumstances, it has become necessary to limit UNMOT activities and in particular its movement in the field. It is envisaged that the Mission will be provided with additional hard-skinned vehicles and better communications equipment in order to give its personnel at least passive protection.

IV. OBSERVATIONS

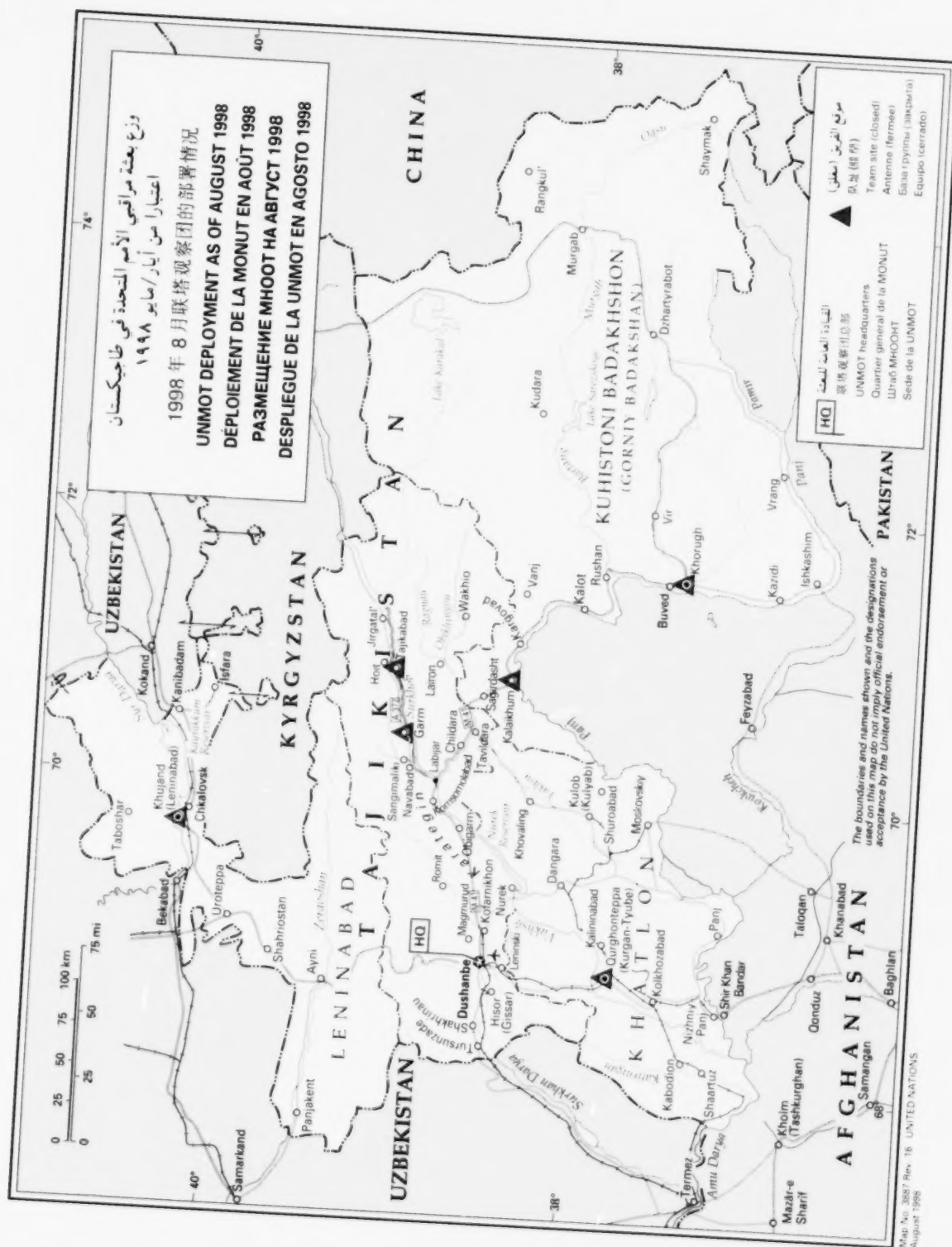
24. The current mandate period of UNMOT began with a political crisis over the bill on political parties and was subsequently overshadowed by the murder of four members of UNMOT. Those events highlight the continuing precariousness of the peace process, and I hope that the Tajik parties will muster the will and determination to implement in good faith and at a steady pace the general peace agreement they signed more than one year ago.

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25. I cannot find words strong enough to condemn the murder of the four members of UNMOT, who were on a mission of peace and were unarmed. It is to be hoped that the perpetrators of this crime will soon be found and brought to justice. I share the distress of the members of UNMOT at the loss of their colleagues and wish to pay tribute to the way in which they have coped with this crisis.

26. Tajik leaders have often voiced disappointment at the level of assistance the country receives from international donors, and at times affirmed that the positive development of the peace process depended on such assistance. I must confirm that few of the pledges made at the Vienna donor's conference last October have been followed through. Nevertheless, the obstacles to the peace process are mainly political, and it is essential to overcome them in order to ensure Tajikistan's future well-being. Tangible progress in the implementation of the peace agreement is also the best way to counter the scepticism of donor countries.

27. I should like to encourage the Tajik parties to make good use of the continuing international backing for the peace process. In addition to the services offered by my Special Representative and UNMOT, the Contact Group of guarantor States and international organizations is an important source of support. I am convinced that the meeting at the level of Foreign Ministers, which the Contact Group is currently preparing, could provide valuable impetus to the peace process.





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S/1998/754/Add.1
17 August 1998

ORIGINAL: ENGLISH

INTERIM REPORT OF THE SECRETARY-GENERAL ON THE SITUATION
IN TAJIKISTAN

Addendum

1. In my report of 13 August 1998 to the Security Council, I indicated in paragraph 23 that it was envisaged that the Mission would be provided with additional hard-skinned vehicles and better communications equipment in order to give the personnel of the United Nations Mission of Observers in Tajikistan (UNMOT) at least passive protection in the Mission area.
2. The estimated costs for the 28 armoured vehicles and the communications equipment would amount to approximately \$4.1 million.





Security Council

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13 August 1998

ORIGINAL: ENGLISH

LETTER DATED 13 AUGUST 1998 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF UGANDA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to bring to your attention Uganda's position regarding the ongoing internal conflict in the Democratic Republic of the Congo. My Government trusts that this should also clarify the misrepresentation of facts and the allegations made against my country contained in the letter of 10 August 1998 from the Representative of the Democratic Republic of the Congo addressed to you (S/1998/735).

Uganda wishes to refute, in the strongest terms, all the baseless and unfounded allegations made against her in the said letter. The letter is also a transparent attempt by the authorities of the Democratic Republic of the Congo to divert the attention of the international community away from the real problem of the internal conflict in that country.

Uganda shares the deep concern of the States in the region on the internal conflict in the Congo and reiterates her commitment to finding a peaceful and lasting settlement to the conflict.

Uganda wishes to reaffirm her respect for the national sovereignty and territorial integrity of all States and her firm adherence to the principled policy of good neighbourliness and non-interference in the internal affairs of other States.

Uganda reiterates her readiness to work closely with States in the region, the Organization of African Unity, the United Nations and all other parties interested in the conflict to find a peaceful solution to the current internal conflict in the Democratic Republic of the Congo. To this end, Uganda endorses unequivocally the decision adopted by the Harare Regional Summit on 8 August 1998 to set up a four nation committee comprised of the United Republic of Tanzania, Namibia, Zambia and Zimbabwe to work out modalities for a ceasefire in the Democratic Republic of the Congo.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Fred BEYENDEZA
Chargé d'affaires a.i.





Security Council

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S/1998/756
13 August 1998

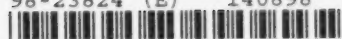
ORIGINAL: ENGLISH

LETTER DATED 13 AUGUST 1998 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose herewith a statement of the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia of 12 August 1998 concerning the false allegations of the Ministry of Foreign Affairs of the Republic of Albania of 10 August 1998 against the Federal Republic of Yugoslavia.

I would be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.



Annex

Statement issued on 12 August 1998 by the Federal Ministry
of Foreign Affairs of the Federal Republic of Yugoslavia

The Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia denied most energetically the untrue statement of the Ministry of Foreign Affairs of Albania of 10 August 1998, which is replete with brazen falsehoods and unfounded allegations against the Federal Republic of Yugoslavia.

The allegations of the Albanian Ministry of Foreign Affairs that a Yugoslav military helicopter and a plane violated the airspace of the Republic of Albania are fabrications calculated to distract international attention from Albania's own responsibility for aiding and abetting terrorism in the territory of the Federal Republic of Yugoslavia.

The Federal Ministry of Foreign Affairs regrets to note that this is not the first time that the official authorities of the Republic of Albania - counting on the benevolence of powerful mentors - have resorted to spreading brazen falsehoods, aimed at concealing their clear responsibility for instigating tensions, supporting separatism and terrorism and fomenting illusions of a "Greater Albania". This constitutes a great delusion and a danger for the region.

Facts are eloquent proof. From the beginning of 1998, the Albanian side provoked almost 100 serious border incidents. Turning a deaf ear to Yugoslav protests, the Albanian side not only did nothing to prevent the smuggling of terrorists and arms into the territory of the Federal Republic of Yugoslavia, but also refused to take part in the work of local mixed commissions, provided for by the Agreement on Measures to Prevent Border Incidents. This constitutes a flouting and a violation of international obligations.

The international public well knows that northern Albania is the region in which terrorists and terrorist gangs, including mercenaries from third countries and the citizens of Albania are received, recruited, armed and given subversive/terrorist training and from which they are dispatched to the territory of the Federal Republic of Yugoslavia in an organized way. This is borne out also by the report of a special United Nations commission which visited Albania from 11 to 14 July 1998.

The Federal Ministry of Foreign Affairs recalls once again the international obligations of responsibility of Albania and calls on it to cease dispatch of terrorists and arms and anti-Yugoslav propaganda, for this practice and policy will neither lessen nor cover up the depth of its internal conflicts and instability, which constitute the real danger for the security of the region.

The Federal Republic of Yugoslavia is committed to the policy of good neighbourliness and equal, mutually beneficial cooperation with its neighbour countries. No threat to anyone has ever ensued from the Yugoslav territory. However, in upholding the constitution of the Federal Republic of Yugoslavia and international law, the competent Yugoslav authorities will also respond most resolutely to each and every attempt to threaten the territorial integrity of the Federal Republic of Yugoslavia in the future.



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S/1998/757
13 August 1998

ORIGINAL: ENGLISH

LETTER DATED 13 AUGUST 1998 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I am writing in connection with your report of 5 August 1998 (S/1998/712) prepared pursuant to Security Council resolution 1160 (1998) and the statement issued by your spokesman on 11 August 1998.

The report, which I studied attentively, is full of incomplete data and arbitrary assessments and stands in stark contrast with the situation on the ground, from which inappropriate inferences are made. Also, the statement of your Spokesman is incongruent with all previous positions of the United Nations on the situation in Kosovo and Metohija to the point of being ill-intended and tendentious.

In section IV of the report, on Kosovo and Metohija, it is, inter alia, said that "the situation in Kosovo continues to deteriorate. Increased heavy fighting between the security forces of the Federal Republic of Yugoslavia and the so-called Kosovo Liberation Army (KLA)" is alleged to take place in "several area in Kosovo". This wording conceals the true nature of the hostilities: the terrorist attacks of Albanian separatists which disturb public peace and order and take a heavy toll in innocent human lives. From the beginning of 1998, the terrorists have carried out over 650 acts of terrorism and taken over 150 people hostage. They have killed a great number of civilians of various ethnic origin, more than a half of them ethnic Albanians. They also have taken hostage entire families, often even entire villages. They booby-trapped cars and mined power plants; they raided churches and monasteries. Over 100 foreign diplomats, moving freely in Kosovo and Metohija, have been daily witnesses to these atrocities.

And yet, the report is evasive in defining the operations of security forces as being in accordance with their legal authority, aimed at protecting citizens and their property, the practice resorted to in all countries in the circumstances. Consequently, it is inappropriate to speak about "wanton destruction" and a policy of "scorched earth" of the Yugoslav security forces and the violation of human rights and international humanitarian law by the Belgrade authorities as is often alleged. A ceasefire can be reached only when terrorism is stopped.



The report says that "most disturbing are reports of increased tensions along the border between the Federal Republic of Yugoslavia and Albania". The tensions are not provoked by the Yugoslav security forces or the military which act with utmost restraint and in accordance with their legal authority and obligations. The tensions are the result of terrorism and a constant influx of arms and military equipment, as well as mercenaries from Albania into the Federal Republic of Yugoslavia, which, unfortunately, takes place with the countenance, and even assistance, of the official authorities of Albania.

The report goes on to say that "there is no progress on renewal of dialogue". However, no mention is made of the causes of the impasse. I trust and believe that you are aware of the ceaseless efforts invested by the Governments of the Republic of Serbia and the Federal Republic of Yugoslavia in renewing the dialogue. They are determined to solve the problems in Kosovo and Metohija peacefully, through dialogue and with respect for the integrity of Serbia and the Federal Republic of Yugoslavia and with full guarantees of equal human rights to all citizens and ethnic communities living in the province. All these commitments have been undertaken irrespective of the national, ethnic or religious affiliation of those communities and at the level of the highest international standards.

For the sake of objectivity, the report should point out that the leaders of the political parties of the Albanian national minority of Kosovo and Metohija are responsible for the absence of dialogue. The authorities of the Federal Republic of Yugoslavia and the Republic of Serbia are ready to resume the dialogue on substantive issues immediately: on confidence-building measures, local self-rule and forms of autonomy for Kosovo and Metohija. The criticism of the authorities of the Federal Republic of Yugoslavia and the Republic of Serbia for the lack of dialogue is therefore entirely unwarranted.

A mere statement in the report to the effect that "the continuing infiltration from outside the borders of the Federal Republic of Yugoslavia of weapons and fighting men is a source of continuing widespread concern", short of a recommendation how to deal with the infiltration, is inadequate and will not help solve the problem. It is necessary for the United Nations to take resolute steps in order to prevent the infiltration of terrorists and weapons across the border of the Federal Republic of Yugoslavia. To that end, Albania must be requested to enforce effective control of the border, stop the infiltration of terrorists and the smuggling of arms into Yugoslavia and ban terrorist groups and individuals from using its territory for preparing terrorist acts against the Federal Republic of Yugoslavia. The States which provide a haven to terrorist organizations that raise money to finance recruitment and training of mercenaries and terrorists are duty-bound to take all necessary measures to check these activities and to bring the perpetrators to justice.

My Government had every right to expect that your report to the Security Council would emphasize that the authorities of the Federal Republic of Yugoslavia and the Republic of Serbia, the ceaseless efforts of which to resume dialogue are on record, are not responsible for the lack of progress on renewal of dialogue and for the deterioration of the situation in Kosovo and Metohija. They are resolved to persevere and ensure all necessary conditions both for the evolvment of the dialogue and for the normal course of life in this Serbian

province. To this end, the authorities have called upon the refugees and displaced persons to return home, guaranteeing them full security and protection and taking all necessary measures to alleviate the situation. They maintain effective cooperation with the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations, while interested foreign diplomatic missions in the Federal Republic of Yugoslavia are given permission to increase the number of personnel and have unimpeded access throughout Kosovo and Metohija in order to obtain a better insight in the situation.

In concluding the letter, I take the opportunity to convey the impression of my Government that much of the misperception of the situation in Kosovo and Metohija in the United Nations derives from the lack of first-hand knowledge of the events taking place on the ground. In order to allay future misunderstandings and to help you obtain a better picture of the situation and the measures taken by the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia to solve the problems in Kosovo and Metohija, I have been instructed to transmit to you an invitation of my Government to visit the Federal Republic of Yugoslavia at your earliest convenience.

I would be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.



Security Council

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S/1998/758
14 August 1998
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 14 AUGUST 1998 FROM THE PERMANENT REPRESENTATIVE
OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform the Security Council of the situation prevailing in the Congolese town of Bunia, where a massive gathering of forces of the regular army of Uganda is reported to have taken place. Moreover, these invasion forces are reported to have assembled a supply of heavy and light arms.

In addition, I wish to confirm that the armed forces of the Rwandan-Ugandan coalition have cut off the supply of water and electric power to the city of Kinshasa. The risk of a major humanitarian disaster in the capital, which is inhabited by more than six million people, is therefore tremendous. We have already received reports of many deaths in Kinshasa's hospitals as a result of these supply cuts.

Lastly, as noted in my letter of 10 August 1998, Congolese civilians in the Kivu provinces are being deported to Rwanda and summarily executed.

Once again, my Government calls the Security Council to witness the blatant aggression of Uganda and Rwanda against the Democratic Republic of the Congo, as well as the inhuman practices and violations of human rights and of international humanitarian law perpetrated against the Congolese population by the authorities of those two countries.

My Government once again calls upon the Security Council to assume all its responsibilities and to play fully its role in maintaining international peace and security, and urges the Council:

1. To strongly condemn the invasion of Congolese territory by Rwandan and Ugandan troops;
2. To demand that Rwanda and Uganda withdraw their troops immediately from Congolese territory;
3. To demand that Rwanda and Uganda put an immediate stop to all acts of extortion against the Congolese population.



S/1998/758

English

Page 2

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) André MWAMBA KAPANGA
Ambassador
Permanent Representative



Security Council

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General

S/1998/759
14 August 1998

ORIGINAL: ENGLISH

LETTER DATED 14 AUGUST 1998 FROM THE PERMANENT REPRESENTATIVE
OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

I have the honour to enclose herewith a communiqué issued on 14 August 1998 by the Ministry of Foreign Affairs of Ethiopia, entitled: "Organization of African Unity's facilitation and Eritrea's response".

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

Annex

Organization of African Unity's facilitation
and Eritrea's response

As the crisis in the relations between Ethiopia and Eritrea enters its fourteenth week, the Eritrean authorities are finding themselves closer and closer to a dead end as the facts work against them.

It is to be recalled that following the recent meeting, at Ouagadougou, of the Organization of African Unity (OAU) Ministerial Committee dealing with the crisis, at which the two sides were given the findings of the Committee that the Badme area was under Ethiopian administration prior to the period between 6 and 12 May 1998, the Eritrean authorities have changed tactics once again.

It was the earlier assertion, made by the Eritrean President himself, to no less an august body than a committee of African Heads of State that visited him, that Eritrean forces had always been in Badme, that they are there to stay and should not be asked to withdraw from their own territory that prompted the OAU Committee to seek to establish once and for all who administered Badme prior to 12 May 1998. Obviously, this egregious falsehood, so flippantly and so vehemently told the Heads of State, was designed to undermine the resolution of the thirty-fourth Assembly of Heads of State and Government of the OAU, which, by endorsing the proposal of the United States of America-Rwanda facilitation, had, in effect, asked Eritrea to withdraw its forces from Ethiopian territory that they had occupied by force.

The verdict is now in. In the face of incontrovertible evidence, the OAU Committee conclusively affirmed that Badme has been administered by Ethiopia, unmasking the lie told it at the highest level in Asmara. But the Committee did not stop at that. It stated that what happened in Badme from 6 to 12 May 1998 constitutes a fundamental element of the crisis and that the challenge is to find a solution to that problem within the framework of a comprehensive settlement of the conflict in all its dimensions.

The OAU findings are very difficult for Eritrea to accept because they exposed a fundamental falsehood on which Eritrean arguments had been based. In a way, Eritrea expected that the OAU results would be bad for them. That was why they expressed reservations on the terms of reference of the OAU Committee of Ambassadors relating to the administration of Badme and its environs. Anticipating the worst, the leaders in Asmara began referring to the Badme issue as a "trivial", "secondary" matter - a diversion. But aggression cannot be taken by OAU as trivial, and the resolve not to allow that it is rewarded cannot be diversionary.

Is sending the Eritrean army across the border spearheaded by three mechanized brigades to occupy a 400 square kilometre area trivial matter? What is so secondary about it when it is known that Eritrea's aggression, in violation of the Charters of the United Nations and the Organization of African Unity, is a threat to peace or a breach of the peace? How can the cause of the conflict be described as a diversion? One can only conclude that only to an

aggressor can such an action be considered trivial. To the aggressed, it is aggression. It is a crime violating international law on the inviolability of state sovereignty and territorial integrity.

What Eritrea is saying today is that, alright, maybe Ethiopia did administer Badme prior to May 1998, but that the administration was illegal. Even earlier, Eritrean leaders had begun to hint that it was actually in 1997 that Ethiopia had encroached upon the Badme area and that it was only since then that the territory had been in Ethiopian hands.

But this is the beginning of yet another lie, and we suggest that Eritrea not waste time peddling it because, once again, the facts don't help.

- Was it because Badme was in Eritrean hands that a census was carried out by Ethiopia in 1994 registering 6,425 residents in the town and the surrounding localities?
- Was it because Badme was in Eritrean hands that no less than six Ethiopian elections were held in the Badme area between June 1992 and February 1996?
- Is it because Badme was in Eritrea that it elected a member to sit in the Ethiopian parliament?
- Is it because Badme was in Eritrea that it had an Ethiopian local, district and municipal Government, a judiciary, peasants and local (Kebele) associations, police, a school and a health centre?

Why was the Ethiopian administration issuing trade licences for Badme businessmen? Because Badme was Eritrean?

How can Eritrea explain the 28 or more letters written by local Eritrean official bodies across the border to the Ethiopian administration of Badme requesting cooperation on this or that matter? Eritrean authorities have been communicating with the Badme administration, officially and in writing, since Eritrea's formal independence in 1993 and years before the aggression by Eritrea against Ethiopia, recognizing the administration as a legal local administration of Ethiopia. It is these facts and the other massive body of evidence that compelled the Organization of African Unity fact-finding Ambassadorial Committee to conclude that Badme was under Ethiopian administration until the Eritrean aggression.

In our opinion, Eritrea's leaders would do well to put an end to their fabrication of new stories, plots and sub-plots and face the inevitable. The facts don't help them.

Clearly, what Eritrea is trying to do is to scuttle yet another effort by OAU at peacemaking - as it did to the United States of America and Rwanda and to all others of goodwill who tried to help. The OAU should recognize this and deal with this subterfuge accordingly.

As for Ethiopia, it was not because we needed proof that Badme belonged to Ethiopia that we went along and cooperated with the OAU's efforts to verify who administered the area before May 1998. We cooperated with this effort because, although painful, we respected OAU and desired to facilitate its well intentioned task. It was obvious to us that OAU would conclude matters in our favour. After all, the facts cannot be changed and the facts were on our side.

We simply wish to call the attention of OAU and all concerned with finding a solution to this crisis to the position of the Government of Ethiopia that the new round of prevarication by the Eritrean authorities should not be tolerated and that the appropriate steps should be taken to put the necessary pressure upon Asmara to listen to reason and to take the steps critical for the peaceful resolution of the crisis.



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GENERALS/1998/760
17 August 1998

ORIGINAL: ENGLISH

LETTER DATED 7 AUGUST 1998 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my letter dated 8 July 1998 (document S/1998/640) by which I forwarded to the Security Council, further to Paragraph 3 of Article 12 of the Statute of the International Tribunal for Rwanda, the nominations for judges of the Trial Chambers of that Tribunal which had been received from States Members of the United Nations within the thirty-day period specified in Article 12 (3) (b) of its Statute.

I also have the honour to refer to the letter, dated 15 July 1998 (document S/1998/646), of the former President of the Security Council, Mr. Sergey V. Lavrov, in which he informed me of the decision of the Security Council which was taken at its 3908th meeting on 15 July 1998 to agree to the suggestion which I had made in my letter of 8 July 1998 that the Council extend the deadline for nominations for judges of the Trial Chambers of the International Tribunal for Rwanda until 4 August 1998.

Pursuant to Paragraph 3 (c) of the Statute of the International Tribunal for Rwanda, I have the honour to forward to the Security Council the fourteen nominations for judges of the Trial Chambers of the Tribunal which have been received from States Members of the United Nations within the period specified in Paragraph 3 (b) of Article 12 of that Statute, as extended by the Security Council in the decision taken at its 3908th meeting. The list of candidates,* in alphabetical order, is annexed to this letter, together with the curricula vitae which have been provided in connection with their nominations.

In this connection, I would draw the attention of the Security Council to Paragraph 3 (c) of Article 12 of the Tribunal's Statute, which provides in relevant part as follows: "From the nominations received, the Security Council shall establish a list of not less than eighteen and not more than twenty-seven candidates, taking due account of the adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world".

* Circulated only to the members of the Security Council.



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I would note that the number of candidates is short of the minimum number of eighteen which is required by Paragraph 3 (c) of Article 12 of the Statute.

(Signed) Kofi A. ANNAN



Security Council

Distr.
GENERAL

S/1998/761
18 August 1998

ORIGINAL: ENGLISH

LETTER DATED 18 AUGUST 1998 FROM THE PRESIDENT OF THE SECURITY
COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 7 August 1998 (S/1998/760), by which you forwarded to the Security Council the 14 nominations of judges for the Trial Chambers of the International Criminal Tribunal for Rwanda received from States Members of the United Nations within the period specified in paragraph 3 (b) of article 12 of the Statute of the Tribunal, as extended by the Security Council in the decision taken at its 3908th meeting, has been brought to the attention of the Security Council. The Council noted the information contained therein and decided to extend the deadline for the nominations of judges for the Tribunal until 14 September 1998.

I should be grateful if you would inform States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters accordingly.

(Signed) Danilo TÜRK
President of the Security Council





General Assembly
Security Council

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GENERAL

A/52/1017
S/1998/762
17 August 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-second session
Agenda item 61
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-third year

Letter dated 14 August 1998 from the Chargé d'affaires a.i.
of the Permanent Mission of Turkey to the United Nations
addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 14 August 1998 addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex, which contains a letter dated 30 July 1998 from His Excellency Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, to His Excellency Mr. Ernesto Samper, the then-President of Colombia, in his capacity as Chairman of the Movement of Non-Aligned Countries, would be circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(Signed) Gürcan TÜRKOĞLU
Counsellor
Chargé d'affaires a.i.



ANNEX

Letter dated 14 August 1998 from Mr. Aytuğ Plümer
addressed to the Secretary-General

I have the honour to enclose herewith a copy of the letter dated 30 July 1998 addressed to His Excellency Mr. Ernesto Samper, the then-President of Colombia, in his capacity as Chairman of the Movement of Non-Aligned Countries, by His Excellency Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, concerning the section on Cyprus of the Communiqué adopted at the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement, held on 19 and 20 May 1998 in Cartagena de Indias, Colombia.

I should be grateful if you would have the text of the present letter and its enclosure circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(Signed) Aytuğ PLÜMER
Representative
Turkish Republic of Northern Cyprus

APPENDIX

Letter dated 30 July 1998 from Mr. Rauf R. Denktas, addressed to Mr. Ernesto Samper, former President of Colombia and Chairman of the Movement of Non-Aligned Countries

I would like to refer to the section on Cyprus of the Communiqué adopted at the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement, held on 19 and 20 May 1998 in Cartagena de Indias, Colombia (A/52/970-S/1998/574, annex), and to state that the contents of the section contains biased and distorted views which run counter to the rule of law pertaining to Cyprus and the existing realities in the island.

The allegations regarding "Turkish intransigence and the attempt of the Turkish side to introduce preconditions" are unfounded, as they do not conform to what really happened at the two rounds of direct negotiations held at Troutbeck, New York, and Glion, Switzerland, in July and August 1997, respectively. They overlook the fact that it is the Greek Cypriot side which has made the issue of European Union (EU) membership a precondition to the talks since Mr. Clerides first took office in 1993. Having won the elections that year on a platform based on a total rejection of the United Nations Set of Ideas of 1992, Mr. Clerides has since sought to destroy the very parameters established during the negotiating process, and has succeeded in doing so with the European Union's help, which, at its Summit in Luxembourg held in December 1997, decided to open accession negotiations with the Greek Cypriot administration of Southern Cyprus.

That the Greek Cypriot side's real aim in the negotiations was not to seek a solution in good faith, but to enhance its EU membership prospects through tactical manoeuvring, was publicly admitted by Mr. Clerides, who stated the following on 6 November 1997:

"The trick here is to give the impression that you are going to accept a proposal in order to get the other side to reject it and then portray the other side as the intransigent party to the world."

When I challenged Mr. Clerides at the first round of the face-to-face talks at Troutbeck in July 1997, on the question of his side's unilateral and unlawful application for EU membership before a political settlement is reached in Cyprus and the delicate balance between Turkey and Greece over Cyprus is preserved, his answer to me was that the EU issue was a "governmental affair", with which I had nothing to do, since we were negotiating as "community leaders". Similarly, when I took him to task regarding the purchase, from the Russian Federation, of the S-300 missile system and its impending deployment in the island, his reply was that as the "government of a sovereign state", his administration had the right to take whatever measures necessary in order to "defend itself". It is this mentality which totally ignores:

- (a) The equal rights and status of the Turkish Cypriot side in Cyprus;
- (b) The balance between Turkey and Greece over Cyprus; and

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(c) The need to maintain regional peace and stability by refraining from introducing sophisticated weapons into the military arsenal, as also demanded by the latest Security Council resolutions,

which has not only impeded any progress in the talks, but also turned the "inter-communal talks" into a futile exercise.

The claim of the Greek Cypriot administration of Southern Cyprus to be a non-aligned country when it is already an "Associate Member" of EU and has already started "accession negotiations" with the Union in contravention of the 1959-1960 Zurich and London agreements governing Cyprus and against the rule of law, is a mockery of the principles of non-alignment. It is even more curious to us how the Movement of Non-Aligned Countries can treat this administration as a bona fide member when the Greek Cypriot administration has made it clear that its aspirations are to become an EU member and that if this would cost them their "non-alignment" so be it!

The other paragraphs of the Final Communiqué are so one-sided and detached from reality that they hardly deserve a detailed reply. I will therefore confine myself to reiterating several well-documented fundamental facts without which there can be no correct or impartial analysis of the Cyprus question.

The Cyprus conflict was started by the Greek Cypriots in collusion with Greece in 1963 in order to "hellenize" what was a bi-national island, which was described by the Secretary-General of the United Nations as "the common home of the Greek Cypriot community and of the Turkish Cypriot community". The object was to annex the island to Greece (enosis). The violence unleashed on the Turkish Cypriot community in order to realize enosis was nothing less than an ethnic cleansing campaign which caused untold suffering to the Turkish Cypriot population.

It is sad yet significant to note that the Movement of Non-Aligned Countries which, in the words of one of its leaders, regards itself as "the conscience of mankind", said nothing about the violence and cruel and inhuman treatment meted out to the Turkish Cypriot people at the time, let alone take any action to stop it.

It was only Turkey, acting in conformity with the Treaty of Guarantee of 1960, which undertook effective action to save the Turkish Cypriots from total annihilation and protect the bi-national independence of Cyprus. The Movement of Non-Aligned Countries is therefore totally unjustified in criticizing the presence of the Turkish forces in Cyprus, pending a political settlement which would continue to guarantee the security and the very existence of the Turkish Cypriot people in the island of Cyprus.

Demilitarization is a long-term objective which can only be taken up in the context of a political settlement and as envisaged in the relevant paragraph of the United Nations Set of Ideas. In any event, an administration which continues a massive militarization campaign in collaboration with Greece, costing them \$2 million per day, including the purchase of the S-300 missile system, cannot possibly be serious about demilitarization. It should also be borne in mind that the Greek Cypriot administration is even refusing the much

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more realistic and practical proposals contained in the United Nations package of "deconfrontation" measures, which would help reduce tension along the borders.

Finally, I would like to put on record that it is not the Turkish Cypriot side which is closing the door to dialogue on the basis of true equality. However, it is crystal clear from the decades-long history of the negotiating process that, in order for such dialogue to produce any results, it must be based on the realities prevailing in Cyprus, that is, the existence of two independent, sovereign States in the island. Otherwise, the Greek Cypriot administration will continue to exploit the process of negotiations in order to consolidate and exploit its title as the so-called "Government of Cyprus" to the detriment of the Turkish Cypriot side and of peace and reconciliation in the island.

(Signed) Rauf R. DENKTAŞ
President
